IN THE HIGH COURT OF JUDICATURE AT PATNA

Cr.Misc. No.43691 of 2008

NAVIN KUMAR GUPTA @ MANTU, S/O SARJUG PRASAD GUPTA, R/O MOHALLA-GAUSHALA BAZAR, SINDARI, P.S. SINDARI, DISTRICT-DHANBAD (JHARKHAND).
-PETITIONER

Versus

THE STATE OF BIHAR. -OPP.PARTY

2 16.12.2008 An application for divorce has been filed by the petitioner. In that the ground taken is that the complainant wife is not cohabiting with the petitioner. A written statement has been filed in the Matrimonial Suit by the complainant where, as appears from the copy thereof annexed to the application, the complainant has not denied that there is no co-habitation in between the petitioner and the complainant. Surprisingly, in paragraph 2 of the written statement it has been stated that so far as the legal position is concerned, law never permits any divorce between brother and sister. In the circumstances, on the one hand the allegation in the complaint is harassment by the petitioner and on the other it is the contention of the petitioner that there is willful abstinence from sexual cohabitation by the complainant. That being the situation, the application for grant of anticipatory bail is allowed.

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Let the petitioner, in the event of his arrest or surrender within six weeks from today, be enlarged on bail on his furnishing bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the Subdivisional Judicial Magistrate, Nalanda at Biharsharief, in Complaint Case no. 114C of 2008, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

(Barin Ghosh, J.)

AAhmad

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